

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MONSANTO COMPANY and)
MONSANTO TECHNOLOGY LLC,)

Plaintiffs,)

vs.)

Case No. 4:09-CV-00686-ERW

E.I. DUPONT DE NEMOURS AND)
COMPANY and PIONEER HI-BRED)
INTERNATIONAL, INC.,)

Defendants.)

**DEFENDANTS' MOTION FOR LEAVE TO FILE
EXHIBIT UNDER SEAL**

Pursuant to E.D. Mo. L. R. 13.05(A) and the Protective Order entered in this case (Dkt. # 238), E.I. du Pont de Nemours and Company and Pioneer Hi-Bred International, Inc. (collectively "Defendants") hereby respectfully move the Court for an order allowing Defendants to file under seal a copy of Exhibit A to Defendants' Response to Monsanto's Second Claim Construction Brief. The basis for this relief is as follows:

1. The Court has previously allowed the parties to file various pleadings and exhibits under seal. (*See, e.g.*, Dkt. Text Orders entered May 20, 2009 and June 17, 2009).

2. Defendants respectfully request that they be permitted to file under seal a copy of Exhibit A to Defendants' Response to Monsanto's Second Claim Construction Brief.¹ This document is Plaintiffs' Objections and Responses to Defendants' First Set of Interrogatories, dated June 24, 2010, which Monsanto has designated "Confidential" pursuant to the Protective Order entered in this case. A redacted version of this document is not being filed because

¹ Concurrently herewith, Defendants are filing an Unopposed Motion for Leave to File A Response to Monsanto's Second Claim Construction Brief.

Monsanto has designated the entire document “Confidential” pursuant to the Protective Order and thus it cannot be redacted in a manner to facilitate the filing of a redacted version of that document.

WHEREFORE, Defendants respectfully request that the Court enter an order allowing Defendants to file under seal an unredacted copy of Exhibit A to Defendants’ Response to Monsanto’s Second Claim Construction Brief.

Dated: August 30, 2010

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on August 30, 2010, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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